

REMARKS

Claims 1-38 are pending. Claims 1-8, 11-16, 19-23, 25-30, 33-36, and 38 are amended.

Specification

The specification is objected because of numerous reference numerals not found in the Figures. Applicant has corrected the specification in accordance with the foregoing amendments and/or the drawings as provided in the replacement sheets filed herewith. Applicant respectfully requests withdrawal of the objections to the specification and expresses appreciation to the Examiner for pointing out these errors.

Drawings

Figure 2 is objected to because reference numerals 116 and 20 are not found in the originally-filed specification. A replacement Figure 2 is provided herewith correcting reference numeral 20 to 120 and reference numeral 116, second occurrence, to 118. Applicant has corrected the specification in accordance with the foregoing amendment to properly refer to the reference numerals in Figure 2.

Figure 4A is objected to because reference numeral S328 is stated as not being found in the instant specification in the above-referenced Office Action. Applicant respectfully directs the U.S.P.T.O. to paragraph 91 which refers to reference numeral S328.

Figure 4B is objected to because reference numeral S382 is not found in the originally-filed specification. A replacement Figure 4B is provided herewith correcting reference numeral S382 to S362.

In light of these corrections, Applicant respectfully requests withdrawal of the objections to the drawings.

Oath

A corrected declaration is filed herewith.

Claim Rejections – 35 USC § 112

Claims 4, 8, 19-23, and 25-38 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In accordance with the foregoing amendments, Applicant has corrected the claims and respectfully requests withdrawal of the rejections.

Claim Rejections – 35 USC § 103(a)

Claims 1-19, 20-23, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeGroot (US 6,167,308) in view of Sun (US 6,400,986). Claim 1 has been amended to include “storing the measured exploratory RCL used in formulating the delivered ATP regimen and storing the delivered ATP regimen as a successful ATP regimen, the stored ATP regimen being stored in association with the stored measured exploratory RCL in IMD memory”. Independent claims 13, 19 and 35 have been similarly amended to more clearly set forth, as suggested by the Examiner, that the measured exploratory RCL is stored in IMD memory and the delivered ATP regimen is stored in IMD memory in association with the stored RCL. The Examiner has agreed that DeGroot fails to teach or suggest storing a measured exploratory RCL. While Sun teaches storing a successful ATP regimen, Sun fails to teach, suggest or imply storing a delivered ATP regimen in IMD memory in association with a stored measured exploratory RCL. As such, Sun fails to remedy the deficiency of DeGroot relating to storing a measured exploratory RCL and storing a delivered ATP regimen in IMD memory, the stored ATP regimen stored in association with the stored exploratory RCL. Applicant respectfully requests withdrawal of the rejection.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

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